

REMARKS

This responds to the Office Action dated January 10, 2008. Claims 1, 2, 6-7, 23 and 25-26 and 43 are amended, claims 8-20 and 27-42 are canceled, and claims 44-60 are added; as a result, claims 1-3, 5-7, 21, 23-26 and 43-60 are now pending in this application.

§112 Rejection of the Claims

Claims 1-3, 5-7, 21, 23-26 and 43 were rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate description or enablement. Since the rejection only provides arguments supporting the rejection of claims 1, 2 and 43 under 35 U.S.C. § 112, Applicant assumes that the rejection applied substantively to claims 1, 2 and 43 and claims 3, 5-7, 21 and 23-26 were rejected under 35 U.S.C. § 112 merely for depending on a rejected base claim. Should Examiner contest this assumption, Applicant respectfully requests clarification in the next communication.

Accordingly, Applicant respectfully submits that the rejection has been rendered moot by the amendments to claims 1, 2 and 43. The amendment to claim 1 is supported at least by FIGS. 2-4 and the portions of the specification that discuss those figures. The amendments to claims 2 and 43 were made for clarity. Applicant does not admit that the rejection was valid and submits that the unamended claims are supported at least by FIGS. 2-4 and the portions of the specification that discuss those figures.

Insofar as the rejection applies to claims 1, 2 and 43 as amended for incorporating the term “hollow”, Applicant respectfully submits that usage of the term is supported at least by the term “tubular” recited in claim 1, which is defined to refer to a tube, which is defined as hollow elongated cylinder.¹

§102 Rejection of the Claims

Claims 1, 5, 6 and 23 were rejected under 35 U.S.C. § 102(e) for anticipation by Belden (U.S. Publication No. 2004/0064174A1), hereinafter “Belden”.

Claims 1-3, 5-7, 23 and 24 were rejected under 35 U.S.C. § 102(e) for anticipation by Gardeski et al. (U.S. Patent No. 7,130,700), hereinafter “Gardeski”.

¹ See Merriam-Webster’s Collegiate Dictionary definitions for tube and tubular, Eleventh Edition, cited in an accompanying Information Disclosure Statement using form 1449.

Claims 1, 3, 5-7, 23-25 were rejected under 35 U.S.C. § 102(e) for anticipation by Cross Jr. et al. (U.S. Patent No. 5,935,159), hereinafter "Cross".

Claim 1 and its Dependent Claims

Applicant has amended claim 1. Applicant has searched the cited portions of Belden, Gardeski and Cross and is unable to find in any of those references mention of, among other things, a recitation of a tubular lead body including an inner body surface with material defining an interior lumen extending through the tubular lead body such that the inner body surface and the material defining the interior lumen define a hollow between the inner body surface and the material defining the interior lumen, with at least one filler disposed within the hollow such that the hollow is substantially filled, the filler defining a plurality of recesses along a portion extending along the material, as recited in claim 1. Because none of those references teach the claimed subject matter, Applicant believes claim 1 is patentable.

Claims 6-7, 23, 25 have been amended for clarity. Since claims 2-3, 5-7 and 23-25 ultimately depend on a base claim that is believed to be allowable, Applicant respectfully requests withdrawal of the rejection and allowance of claims 1-3, 5-7 and 23-25.

§103 Rejection of the Claims

Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gardeski et al. (U.S. Patent No. 7,130,700). Applicant has amended claim 1, upon which claim 21 depends, and submits that claim 21 is allowable at least for the reasons provided with respect to that claim. Withdrawal of the rejection and allowance of the claim are respectfully requested.

Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Cross Jr. et al. (U.S. Patent No. 5,935,159) as applied to claim 1 above, and in view of Gardeski et al. (U.S. Patent No. 7,130,700). Applicant has amended claim 1, upon which claim 26 depends, and submits that claim 26 is allowable at least for the reasons provided with respect to that claim. Withdrawal of the rejection and allowance of the claim are respectfully requested.

Added Claims

Claims 44-60 have been added. These claims are supported at least by FIGS. 2-4 and the portions of the specification that discuss those figures. No new matter is believed to be added.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2185 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 12 day of May 2008.

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